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SERVICE DATE - OCTOBER 22, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 168X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN HARDIN COUNTY, IA (ELDORA JUNCTION LINE IN ELDORA, IA)

Decided: October 20, 2003

By decision and notice of interim trail use or abandonment (NITU) served on April 8, 2003, the Board granted to Union Pacific Railroad Company (UP) an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a segment of line, known as the Eldora Junction Line, extending from milepost 5.10 to milepost 6.22, a distance of 1.12 miles, in Eldora, Hardin County, IA. Also, in response to a request by the City of Eldora, IA, and the Iowa Natural Heritage Foundation (collectively, the City) that the Board issue a NITU for the line, and in light of UP's willingness to enter into trail use negotiations with the City, the Board issued a NITU for a 180-day negotiating period that extended until October 5, 2003.

By letter filed on October 14, 2003, the City requests an extension of the NITU negotiating period. In its letter, the City states that it is in the process of requesting funding assistance for the acquisition of the line from state grant programs that are available only once a year. Consequently, it states that it needs more time to finalize the trail use agreement and asks for an extension to April 8, 2004.¹ Finally, the City asserts that UP has taken no actions inconsistent with trail use and rail banking. In a letter filed that same date, UP states that it is willing to continue to negotiate with the City and supports the request to extend the negotiating period.

An extension of the trail use negotiating period may be granted as long as the Board retains jurisdiction over the involved railroad right-of-way and the carrier is willing to continue negotiations. Inasmuch as UP has not consummated the abandonment of the line and has indicated a willingness to continue to negotiate, the extension request can be granted.

¹ Although the request slightly exceeds the customary request of 180 days, the Board has granted such requests in the past. See, e.g., Southern Pacific Transportation Company—Abandonment Exemption—In Jackson, Victoria and Wharton Counties, TX, Docket No. AB-12 (Sub-No. 162X) (STB served May 29, 1996).

The requested extension of the negotiating period will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the extension will be granted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The request to extend the interim trail use negotiating period is granted.
2. The negotiating period under the NITU is extended to April 8, 2004.
3. This decision is effective on its date of service.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary